

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of claims:

- 1 (currently amended): A method for wireless communication for non-latency-dependent data, the method comprising:
 - (a) receiving data for transmission to a base station;
 - (b) determining, based on a an absence of a latency dependency of the data due to a content of the data, wherein the content includes at least one of private, public or business information, whether the data is appropriate for transmission over a digital control channel; and
 - (c) if the data is not appropriate for transmission over a digital control channel, transmitting the data over a traffic channel.
- 2 (original): The method of claim 1, wherein said determining includes determining whether the data is less than a predetermined size.
- 3 (currently amended): A method for wireless communication for non-latency-dependent data, the method comprising:
 - (a) receiving data for transmission to a base station;
 - (b) determining, based on a an absence of a latency dependency of the data due to a content of the data, wherein the content includes at least one of private, public or business information, whether the data is appropriate for transmission over a digital control channel;
 - (c) if the data is appropriate for transmission over a digital control channel, determining whether network conditions are favorable for transmission over a digital control channel; and

- (d) if network conditions are favorable, transmitting the data over a digital control channel to the base station.

4 (original): The method of claim 3, further comprising the steps of:

- (e) queuing the data for future transmission if network conditions are not favorable for transmitting the data; and
- (f) repeating step (c) until network conditions are favorable for transmitting data.

5 (original): The method of claim 4, wherein said determining whether the data is appropriate for transmission over a digital control channel includes determining whether the data is less than a predetermined size.

6 (original): The method of claim 5, wherein conditions favorable for transmission include the existence of a slot in the digital control channel into which the data can be placed for transmission.

7 (currently amended): A method for wireless communication for non-latency-dependent data, the method comprising:

- (a) receiving data for transmission to a base station;
- (b) determining, based on an absence of a latency dependency of the data due to a content of the data, wherein the content includes at least one of private, public or business information, whether the data is appropriate for transmission over a digital control channel;
- (c) if the data is appropriate for transmission over a digital control channel, queuing the received data for transmission;
- (c) monitoring network conditions for conditions favorable for transmission; and
- (d) transmitting the data over a digital control channel when network conditions are favorable for transmission.

8 (original): The method of claim 7, wherein the conditions favorable for transmission include the existence of a slot in the digital control channel into which the data can be placed for transmission.

9 (currently amended): An apparatus for transmitting non-latency-dependent data over a wireless system, the apparatus comprising:

- (a) a processor; and
- (b) a memory coupled to said processor, said memory storing instructions adapted to be executed on said processor, the instructions including:
 - (i) receiving data for transmission to a base station;
 - (ii) determining, based on a an absence of a latency dependency of the data due to a content of the data, wherein the content includes at least one of private, public or business information, whether the data is appropriate for transmission over a digital control channel;
 - (iii) if the data is appropriate for transmission over a digital control channel, determining whether network conditions are favorable for transmission over a digital control channel; and
 - (iv) if network conditions are favorable, transmitting the data over a digital control channel to the base station.

10 (original): The apparatus of claim 9, said memory storing further instructions adapted to be executed on said processor, said further instructions including:

- (v) queuing the data for future transmission if network conditions are not favorable for transmitting the data; and
- (vi) repeating step (iii) until network conditions are favorable for transmitting data.

11 (original): The apparatus of claim 10, wherein said determining whether the data is appropriate for transmission over a digital control channel includes determining whether the data is less than a predetermined size.

12 (original): The apparatus of claim 11, wherein conditions favorable for transmission include the existence of a slot in the digital control channel into which the data can be placed for transmission.

13 (currently amended): An apparatus for wireless communication for non-latency-dependent data, the apparatus comprising:

- (a) a processor; and
- (b) a memory coupled to said processor, said memory storing instructions adapted to be executed on said processor, said instructions including:
 - (i) receiving data for transmission to a base station;
 - (ii) determining, based on a an absence of a latency dependency of the data due to a content of the data, wherein the content includes at least one of private, public or business information, whether the data is appropriate for transmission over a digital control channel;
 - (iii) if the data is appropriate for transmission over a digital control channel, queuing the received data for transmission;
 - (iv) monitoring network conditions for conditions favorable for transmission; and
 - (v) transmitting the data over a digital control channel when network conditions are favorable for transmission.

14 (original): The apparatus of claim 13, wherein the conditions favorable for transmission include the existence of a slot in the digital control channel into which the data can be placed for transmission.

15 (currently amended): A medium for wireless communication of non-latency-dependent data, the medium storing instructions adapted to be executed on a processor, the instructions comprising:

- (a) receiving data for transmission to a base station;
- (b) determining, based on a an absence of a latency dependency of the data due to a content of the data, wherein the content includes at least one of

private, public or business information, whether the data is appropriate for transmission over a digital control channel;

- (c) if the data is appropriate for transmission over a digital control channel, determining whether network conditions are favorable for transmission over a digital control channel; and
- (d) if network conditions are favorable, transmitting the data over a digital control channel to the base station.

16 (original): The medium of claim 15, said medium storing further instructions adapted to be executed on a processor, the further instructions comprising:

- (e) queuing the data for future transmission if network conditions are not favorable for transmitting the data; and
- (f) repeating step (c) until network conditions are favorable for transmitting data.

17 (original): The medium of claim 16, wherein said determining whether the data is appropriate for transmission over a digital control channel includes determining whether the data is less than a predetermined size.

18 (original): The medium of claim 17, wherein medium conditions favorable for transmission include the existence of a slot in the digital control channel into which the data can be placed for transmission.

19 (currently amended): A medium for wireless communication for non-latency-dependent data, the medium storing instructions adapted to be executed a processor, the instructions comprising:

- (a) receiving data for transmission to a base station;
- (b) determining, based on a an absence of a latency dependency of the data due to a content of the data, wherein the content includes at least one of private, public or business information, whether the data is appropriate for transmission over a digital control channel;

- (c) if the data is appropriate for transmission over a digital control channel, queuing the received data for transmission;
- (c) monitoring network conditions for conditions favorable for transmission; and
- (d) transmitting the data over a digital control channel when network conditions are favorable for transmission.

20 (original): The medium of claim 19, wherein the conditions favorable for transmission include the existence of a slot in the digital control channel into which the data can be placed for transmission.